

APPROVED: Meeting No. 10-95

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 35-94

November 28, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on November 28, 1994, at 7:31 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. In response to initiatives identified in the recent worksession with the Traffic and Transportation Commission, staff has initiated follow-up in on the traffic flow and pedestrian patterns in the Julius West Middle School area, particularly on Great Falls Road. Some time ago, the State Highway Administration (SHA) changed the configuration of the right hand turn, and staff urged SHA to look at the issue now before the school reopened in 1995. Staff also passed along the Mayor and Council's request that a flashing school beacon be considered in the vicinity of the school.

2. Senior Planner Lisa Rother has been appointed to the position of Chief of the Planning Division. Ms. Rother has been with the City since 1985 and has served the City well over the years.

3. The sixth edition of the Rockville Citizens Police Academy will graduate on November 30, 1994 at the Glenview Mansion.

Re: Recognition and presentation for
Senior Olympic participants.

On October 5-8, 1995, members of the Rockville Senior Center participated in the 15th Annual Maryland State Senior Olympics at Towson State University. The Senior Citizens Team was sponsored by the Rockville Kiwanis. The Mayor and Council presented certificates to the following Rockville Senior Olympians who were recognized for their award winning performances: Myrtle Baul, Joe Brown, Lois Brown, Lori Ledbetter, Robert Ledbetter, Bill Morrison, Herbert Peiser, Ted Murphy, Kay Morrison, Bernie Shannon, Dick Wegner, Chris Weisiger, Douglas Worthing, and Therese Wyman. Certificates were also presented to the following Senior Center participants: Bette Bouman, Mary Beard, and Barbara Weidenbruch.

Re: Presentation of Certificate to
Rockville resident, Warren
Crutchfield.

Warren Crutchfield, a Sherwood High School teacher, was named the Teacher of the Year by the Maryland Parent-Teacher Association. The Mayor and Council presented a Certificate of Appreciation recognizing Mr. Crutchfield for his devoted service and

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outstanding enthusiasm in educating youth. Mr. Crutchfield was joined by his wife Brenda and other family members.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Nina Helwig, 7 Gerard Court said she opposed the pending exploratory residential townhouse application to change the zoning on the Veirs Mill property from single family homes to the townhouse development being proposed. She urged the Mayor and Council to vote against the exploratory application for townhouse development, which she said would result in increased traffic, noise and overcrowding at the Fallsmead Elementary School.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Richard Resnick was appointed to serve as Chairperson of the Traffic and Transportation Commission.

Re: Consent Agenda

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the following Consent Agenda items were approved:

(A) Rejection of Bid #20-95
To: All Vendors

For: Purchase of one cargo mini van.

- (B) Award of Bid #9512A605
To: Covington Buick
Of: Silver Spring, Md
In the amount of: \$28,907.82
- For: Purchase of two cargo mini vans.
- (C) Award of Bid #40-95
To: J. Palmerio Construction, Inc.
Of: Bethesda, Md
In the amount of: \$47,000
- For: Footbridge replacements at Calvin Park and Dogwood Park
- (D) Award of Bid #53-95
To: Bob Porter Co., Inc.
Of: Gaithersburg, Md
In the amount of: \$34,465
- For: Removal of architectural barriers to persons with disabilities in restrooms and seating at F. Scott Fitzgerald Theatre.
- (E) Introduction of Ordinance to Levy Special Assessments for Driveway Aprons constructed in Fiscal Years 1994 and 1995. The City performed 36 driveway apron jobs requested by the residents. The assessable cost is \$27,429.45.

Re: Adoption of Ordinance to amend Ordinance Number 14-94 appropriating funds and levying taxes for Fiscal Year 1995.

Each fall, the appropriations ordinance is amended to provide funding for encumbrances which were outstanding at the end of the

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previous fiscal year. Also included in this year's proposal are funds recently approved for a Historic District grant in the amount of \$2,000. The total amount to be added to the budget by this ordinance is \$234,109.

Ordinance #17-94

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance #17-94, a copy of which can be found in Ordinance Book No. 18 of the Mayor and Council, was adopted.

Re: Adoption of Ordinance to comprehensively amend Chapter 15 of the Rockville City Code entitled "Personnel" so as to delete, add, and modify various provisions pertaining to employment with the City and personnel matters generally; to provide for the administration of the provisions of the chapter by the City Manager; and to provide for administration by the City Manager, with approval of the Mayor and Council, of policies and procedures governing matters relating to employment with the City of Rockville.

Ordinance #18-94

Mr. Romer noted that the ordinance represented the culmination of a process that went back a number of years when the Mayor and Council established a goal to incorporate improvements with personnel rules and regulations and the ordinances that governed the system. The Ordinance was introduced and had undergone great scrutiny by

the elected officials with countless hours put into the effort. Councilmember Krasnow had also spent a great deal of time offering valuable counsel, advice and offered questions that led to improving the ordinance. The issues were incorporated in the ordinance before the Mayor and Council, with the exception of one proposed regarding the amount of time within which an employee has to file an appeal of a disciplinary action.

Councilmember Krasnow thanked Personnel Director Rich Hajewski, Assistant City Manager Rick Kuckkahn, and Assistant City Attorney Sandra Block for working with her. She said when the City adopted the Personnel Policies and Procedures Manual, many items were incorporated and thereby deleted from the ordinance. She said she was concerned that the ordinance omitted issues regarding who would be setting policies, recognizing employee groups, determining significant changes and work rules, and she felt some of the authority should still be vested with the Mayor and Council. The issues were now incorporated back into the ordinance. Ms. Krasnow added her concern that five calendar days was an insufficient amount of time for an employee who might need to protest a decision; she felt that seven calendar days was a more reasonable period of time. Ms. Krasnow suggested this change be incorporated into the ordinance.

Councilmember Dorsey pointed out a disparity in Section 15-3(b)(9) of the ordinance, where it was noted that the period of time which an action could be taken was 45 days in one sentence; but 30 days in another. Assistant City Attorney Block acknowledged that this was a typographical error and the correct period of time was 45 days. Mr. Dorsey also noted the need for gender neutral language throughout the document.

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Councilmember Krasnow noted that the Mayor and Council would be reapproving the Personnel Policies and Procedures Manual which was approved last Spring, and she suggested that the Manual be reapproved tonight with an effective date retroactive to May 1994.

Mayor Coyle said nine years ago, it was discovered that there were policies that were unclear or nonexistent. The Mayor and Council felt that due process was necessary for protecting employees as well as the City's interest. Mayor Coyle said that Mr. Hajewski has been working on the project for the past four years and it was evident that a lot of time had been put into the effort and he expressed appreciation to everyone involved in the process. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the amendments made since the Ordinance was introduced were adopted. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Ordinance as amended, was adopted. A copy of Ordinance #18-94 may be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Resolution to amend Section I of Article II, "The Mayor and Council" of the Charter of the City of Rockville so as to provide that the procedure for establishing annual stipends for the Mayor and Councilmembers shall be established by Ordinance, and to make certain technical clarifications.

This amendment would allow for the establishment of a Compensation Commission to be enacted by Ordinance.

Resolution #20-94

Mr. Romer said the concept of establishing a compensation commission was not new; it was discussed by the Mayor and Council over the last several years and an ordinance that would have established a compensation commission was introduced in 1982. A public hearing was held with considerable discussion and a number of suggestions made at that time. The Ordinance before the Mayor and Council reflected discussions and suggestions made since 1982 and was prepared with the Mayor and Council's most recent direction to establish a commission of five individuals who were either residents or had a place of business in the City. Members would serve staggered six year terms and meet in the odd numbered years to review the compensation of the five elected officials. The commission must review the compensation, every two years, but would not be obligated to take action. The Ordinance also set into place a procedure for the commission to make its findings available to the Mayor and Council who would then accept, reject, or modify downward those determinations. Mr. Glasgow added that any increase would not apply to the then sitting Council and would only take effect when the next Council took office.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the amendments were approved. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 20-94, a copy of which can be found in Resolution Book No. 11 of the Mayor and Council, was adopted.

Re: Adoption of Ordinance to establish a Compensation Commission to review the compensation of the Mayor and Council every two years and to make recommendations

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thereon; and to provide for the automatic adoption of the Commission's recommendation if the Mayor and Council fails to take certain action.

Ordinance #19-94

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the amendments incorporated into the ordinance since its introduction in 1992, were adopted. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Ordinance #19-94, was adopted, as amended. A copy of the Ordinance may be found in the Mayor and Council Ordinance Book No. 18.

Re: Discussion and Instructions to Staff:
1995 City of Rockville legislative
program.

Each year, the City develops a legislative agenda to guide our representatives in Annapolis during the legislative session. The proposed goals for the coming year will be discussed and the City's program will be finalized.

Mr. Romer noted that a major goal of the Mayor and Council six years ago, was for the City to have its own aggressive, stand-alone legislative program and presence in Annapolis. Since its inception, the legislative program has been headed up by Assistant City Manager Rick Kuckkahn. Mr. Kuckkahn said that with the Mayor and Council's support and direct assistance from our District 17 Delegation, Rockville was well known in Annapolis and is looked upon very favorably. Mr. Kuckkahn reported on the past year's legislative successes:

- The City received \$4 million dollars in the bond bill over the past two years.
- Legislation related to historic districts and Board of Appeals actions was passed.
- Town Center licensing legislation was passed.
- A modification in the model Charter State legislation was passed;
- The City has also successfully supported and opposed a number of bills in Annapolis.

Mr. Kuckkahn pointed out the materials before the Mayor and Council which included a formalized series of fifteen guidelines to be used in evaluating legislation and other related programs. Mr. Kuckkahn then outlined the City's 1995 legislative initiatives as follows:

- State Administered Local Sales Tax - The proposed legislative remedy is to enact legislation that provides cities, towns, and counties with local sales tax revenues under a state administered program.
- State of Maryland and Municipal Infractions Citations - Fine Doubling for Persons Failing to Appear for Trial - The proposed legislative remedy is to enact legislation that provides for the doubling of fines for defendants that fail to show up in court for their trials.
- Public Utilities - Coordinate with State and Local Governments - The proposed legislative remedy is to enact legislation to require public utilities to cooperate

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fully with projects affecting health, safety, and welfare both within local government boundaries and throughout the state.

Mr. Kuckkahn noted that the special programs the City would be pursuing were :

- Another \$2 million bond bill for Rockville Town Center project;
- Funding for possible changes in safety improvements and other improvements on Great Falls Road; and
- Promotion of the Delegation's initiative to allow cities to collect all or a share of the hotel and motel tax which is currently collected, however, in Montgomery County, no share goes to municipal governments.

This year's Maryland Municipal League (MML) legislative package is as follows:

- Increased funding - State Aid for Police Protection - The proposed legislative remedy is to enact legislation that significantly increases the state aid for police protection grant allocations to municipalities by again introducing measures from the 1994 Session.
- Land Value Taxation - In the 1994 Session, MML sponsored legislation (HB 525) which would have authorized municipal governments to institute a two-tier tax rate system for municipal property taxes. The legislation passed the House and Senate, but was vetoed by Governor Schaefer). The proposed legislative remedy is to enact legislation similar to HB 525 that authorizes municipalities to establish two-rate property tax structures; one rate for land and the second for improvements.

Councilmember Marrinan complimented Mr. Kuckkahn on the three special initiatives. Regarding the Great Falls Road issue, he said that major improvement was needed in this area which was traveled by many school children. Mr. Marrinan suggested that if staff put the matter in the context of a safety issue, the City's chances for obtaining funding for the project might be improved. Regarding the hotel/motel tax, Mr. Marrinan said he was surprised that the City did not share in the tax revenue; he said it was unfair that the City did not benefit since the City provided services for the facilities. Councilmember Krasnow said that she liked the guidelines and principals and the priority order they were presented in. Ms. Krasnow said she supported the first guideline which was to support legislation for self-government because citizens were best served when the government closest to them had the authority to act for them, as was proven in Rockville. She also endorsed the guideline to support opportunities to add to the City's revenues.

Mayor Coyle commented on the guideline that the City work closely with Montgomery County to complement their legislative program to whatever degree possible. He said the area of declining revenues was likely to accelerate, and it was incumbent upon the City to work closely with the County to ensure that the two programs mutually support each other.

Mr. Kuckkahn said that he would be distributing the legislative package with the representatives in Annapolis who frequently share the information. Regarding the initiative of increased funding - State aid for police protection, Councilmember Krasnow said it was significant to note that in Fiscal Year 1992 the County received an average of \$5,885 per sworn police officer, which was \$1,202 more than municipalities received for each

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officer. She said the disparity made no sense as municipal officers faced the same dangers and needed the same training and equipment as county officers. Ms. Krasnow expressed her hope for the City's success in at least equalizing the distribution.

Mayor Coyle inquired whether the State would at least consider a portion of the current sales tax being returned to local governments. He suggested this as a strategy for MML to consider. Mr. Marrinan said an alternate policy may be more acceptable in Annapolis than the way it was currently stated, and he suggested giving the Assistant City Manager the flexibility to approach the legislation with either option since the impact would be roughly the same. Mr. Kuckkahn offered to provide the Mayor and Council with additional information on this initiative so that there would be a greater awareness and a plan developed for fully supporting the legislation.

Mayor Coyle said it would also be important to keep abreast of the issue of unfunded mandates at the State level as well as the Federal level; he suggested that MML continue to push this on behalf of local governments.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the legislative package and guidelines to be used in this year's activities was approved.

Re: FYI/Correspondence

1. Councilmember Weisbroth extended congratulations to Lisa Rother on her appointment as Chief of Planning. She said that she has known and worked with Ms. Rother since 1989, and she looked forward to working with her in her new position.

2. Councilmember Krasnow commented on the ceramic snake art work at the Elwood Smith Recreation Center; she encouraged everyone to stop by and see it.

3. Councilmember Krasnow thanked Burt Hall for following up on her concern that renovation plans include space for a coat room at the Glenview Mansion.

3. Councilmember Marrinan reported that the Habitat for Humanity Project was going forward on Lewis Avenue; he remarked that the project fit within the City's effort to develop affordable housing.

4. Councilmember Dorsey said he was pleased to see the recertification of the Community Services Youth Services Section to provide counseling, information and referral, and crisis intervention services for a new two-year period continuing through 1996.

Re: New Business

1. Councilmember Krasnow mentioned that on December 8, 1994, the Rockville Common Ownership Communities Association was holding their 4th annual meeting at the Glenview Mansion. The focus of the meeting will be the dispute mediation process.

2. Councilmember Krasnow suggested that the City might want to consider the tract of land obtained when the Senior Center was deeded to the City, as a possible site for an ice rink. She said that access would be off of Gude Drive and it might be an interesting site to add to the list of other possible sites under consideration.

3. Mayor Coyle said that he had the opportunity to speak to Rusty Wallace, Chairperson of the Human Needs and Services Advisory Task Force. Mr. Wallace reported that everything was going well and he invited the Mayor to attend HNASATF's November 30, 1994 meeting.

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Re: Next Meeting

The Mayor and Council will meet in General Session on Monday, December 12, 1994.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:53 p.m., to convene again in General Session at 7:30 p.m. on December 12, 1994, or at the call of the Mayor.